

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 UNITED STATES OF AMERICA,

Case No. 2:12-cr-475-APG-CWH

5 Plaintiff,

**ORDER DENYING SENTENCE
REDUCTION**

6 v.

7 JULISSA CACEDA-PALAO,

(Dkt. #104)

8 Defendant.
9

10 Defendant Julissa Caceda-Palao seeks a reduction of her sentence pursuant to 18 U.S.C.
11 §3582(c)(2). (Dkt. #104.) On July 3, 2013, I sentenced Ms. Caceda-Palao to 40 months of
12 incarceration. Subsequently, the United States Sentencing Commission adopted a two-level
13 reduction in the Sentencing Guidelines' drug offense levels. Ms. Caceda-Palao now seeks a
14 reduction of her sentence consistent with that Guideline reduction.

15 The original Guideline calculation of the offense level for Ms. Caceda-Palao's sentence
16 began with a Base Offense Level of 32. That was reduced two levels under §2D1.1(a)(5) because
17 she received an adjustment under Guideline §3B1.2. Therefore, the Base Offense Level
18 ultimately was 30.

19 Under the newly-amended Guidelines, the Base Offense Level is 30. Therefore, no two-
20 level reduction is permitted under §2D1.1(a)(5) because that section applies only to Base Offense
21 Levels of 32 or greater. Thus, the Base Offense Level remains 30, which is the same Base
22 Offense Level under which Ms. Caceda-Palao's sentence was originally calculated. Accordingly,
23 she is not eligible for a reduction of her sentence.

24 IT IS THEREFORE ORDERED that Ms. Caceda-Palao's motion for a reduction of her
25 sentence (Dkt. #104) is DENIED.

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1 IT IS FURTHER ORDERED that the motion to withdraw as counsel filed by Nisha
2 Brooks-Whittington (Dkt. #108) is hereby GRANTED.

3 DATED this 23rd day of July, 2015.

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6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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